

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

November 6, 2020 - 1:39 p.m.  
Concord, New Hampshire

[REMOTE HEARING VIA WEBEX]

RE: DE 19-080  
EVERSOURCE ENERGY  
ANNUAL RECONCILIATION OF ENERGY  
SERVICE AND STRANDED COST FOR 2018  
[Prehearing Conference]

PRESENT:

Chairwoman Dianne Martin, Presiding  
Commissioner Kathryn M. Bailey

Doreen Borden, Clerk

APPEARANCES:

Reptg. EVERSOURCE ENERGY:  
Matthew J. Fossum, Esq.

Reptg. Residential Ratepayers:  
D. Maurice Kreis, Esq.

Reptg. Commission Staff:  
Paul B. Dexter, Esq.

COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44

## I N D E X

WITNESS PANEL:               ERICA L. MENARD  
                                  FREDERICK WHITE  
                                  WILLIAM SMAGULA

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## P R O C E E D I N G S

CHAIRWOMAN MARTIN: Good afternoon, everyone. Let's go on the record. We're here this afternoon in Docket DE 19-080, which is Eversource's Annual Reconciliation of Energy Service and Stranded Cost for the year 2018. I need to make findings related to this remote hearing.

As Chairwoman of the Public Utilities Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order No. 12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this hearing which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are utilizing Webex for this electronic hearing. All members of the Commission have the ability to communicate contemporaneously

1 during this hearing, and the public has  
2 access to contemporaneously listen and, if  
3 necessary, participate.

4 We previously gave notice to the  
5 public of the necessary information for  
6 accessing the hearing in the Order of Notice.  
7 If anybody has a problem during the hearing,  
8 please call (603)271-2431. In the event the  
9 public is unable to access the hearing, this  
10 hearing will be adjourned and rescheduled.

11 Okay. Let's take roll call  
12 attendance of the Commission. My name is  
13 Dianne Martin. I'm the Chairwoman of the  
14 Public Utilities Commission, and I am alone.

15 Commissioner Bailey.

16 COMMISSIONER BAILEY: Good  
17 afternoon. Kathryn Bailey, Commissioner at  
18 the Public Utilities Commission, and I am  
19 alone.

20 CHAIRWOMAN MARTIN: All right. Now  
21 let's take appearances. Looks like we have  
22 Mr. Fossum. Would you like to start?

23 MR. FOSSUM: Certainly. It's been  
24 over a week since I said hello, so I will say

1       hello, Commissioners. Matthew Fossum here  
2       for Public Service Company of New Hampshire,  
3       doing business as Eversource Energy.

4               CHAIRWOMAN MARTIN: All right.  
5       Thank you. And Mr. Kreis.

6               MR. KREIS: Good afternoon,  
7       Chairwoman Martin, Commissioner Bailey,  
8       colleagues. I'm D. Maurice Kreis, the  
9       Consumer Advocate here on behalf of  
10      residential customers on this fine Friday  
11      afternoon.

12              I must say, Chairwoman Martin, you  
13      look unusually crisp and clear this  
14      afternoon. And it looks like you and I might  
15      be in the same building. So maybe that's  
16      what proximity brings.

17              CHAIRWOMAN MARTIN: I don't know,  
18      but I heard from Steve that at this morning's  
19      hearing I sounded perfectly clear, too. So  
20      things are looking up.

21              Okay. Mr. Dexter. You're on mute.

22              MR. DEXTER: Good afternoon,  
23      Chairwoman Martin and Commissioner Bailey.  
24      Paul Dexter, Staff attorney, appearing on

1           behalf of the Commission Staff.

2                   CHAIRWOMAN MARTIN: All right.

3           Thank you. And we received three exhibits  
4           that are prefiled and premarked for  
5           identification. Is there any other matter  
6           that we need to address before we proceed  
7           with the witnesses?

8                   MR. FOSSUM: None that I know of.

9                   MR. DEXTER: Staff has no other  
10          preliminary matters.

11                  CHAIRWOMAN MARTIN: All right.  
12          Then why don't we swear in the witnesses.  
13          Ms. Robidas.

14                  (WHEREUPON, ERICA L. MENARD, FREDERICK  
15                  WHITE AND WILLIAM SMAGULA were duly  
16                  sworn and cautioned by the Court  
17                  Reporter.)

18                  ERICA L. MENARD, SWORN

19                  FREDERICK WHITE, SWORN

20                  WILLIAM SMAGULA, SWORN

21                  CHAIRWOMAN MARTIN: Okay. Mr.  
22          Fossum.

23                  MR. FOSSUM: Thank you.

24

1 DIRECT EXAMINATION

2 BY MR. FOSSUM:

3 Q. I suppose just for ease and to avoid people  
4 muting and unmuting, I'll do this one by one.  
5 I'll start with Ms. Menard.

6 Ms. Menard, could you please state your  
7 name, your position and your responsibilities  
8 for the record.

9 A. (Menard) Yes. My name is Erica Menard. I'm  
10 the manager of revenue requirements. I'm  
11 employed by Eversource Energy Service  
12 Company. And in my position I oversee the  
13 revenue requirement calculations associated  
14 with rate filings before this Commission,  
15 including energy service, stranded cost,  
16 transmission cost adjustment mechanism,  
17 system benefits charge and distribution  
18 rates.

19 Q. Thank you. And Ms. Menard, have you  
20 previously testified before this commission?

21 A. (Menard) Yes, I have.

22 Q. Now, Ms. Menard, back on June 3rd, 2019, did  
23 you file testimony and attachments that have  
24 been included in the Company's filing that

1 has been marked as Exhibit 1?

2 A. (Menard) Yes.

3 Q. And that testimony and those attachments,  
4 were those prepared by you or at your  
5 direction?

6 A. (Menard) Yes.

7 Q. Do you have any corrections to that  
8 information this afternoon?

9 A. (Menard) No.

10 Q. And do you adopt that testimony as your  
11 testimony for this proceeding?

12 A. (Menard) Yes.

13 Q. And Ms. Menard, also, did you participate in  
14 technical sessions and other discussions and  
15 negotiations that led to the settlement that  
16 has been marked as Exhibit 3?

17 A. (Menard) Yes.

18 Q. And are you familiar with the terms of that  
19 agreement?

20 A. (Menard) Yes, I am.

21 Q. Thank you. I'll turn now to Mr. White.

22 Mr. White, could you please state your  
23 name, your position and your responsibilities  
24 for the record.



1     A.     (White) My name is Frederick White. I'm a  
2           supervisor in the electric supply group for  
3           Eversource Energy. I supervise and provide  
4           analytical support for the development of the  
5           default energy service rates, which currently  
6           include running procurements for wholesale  
7           power supply competitively procured for  
8           serving default load. Prior to divestiture  
9           of owned generation, we provided analytical  
10          support for management of the portfolio of  
11          resources to serve energy service load. I  
12          also supervise the renewable portfolio  
13          standard obligations for PSNH default load.

14    Q.     Thank you. Mr. White, have you previously  
15           testified before this commission?

16    A.     (White) Yes.

17    Q.     Mr. White, did you also, back on June 3rd,  
18           2019, file testimony and attachments in what  
19           has been marked as Exhibit 1?

20    A.     (White) Yes.

21    Q.     And was that testimony prepared by you or at  
22           your direction?

23    A.     (White) Yes, it was.

24    Q.     And do you have any corrections to that

1 testimony today?

2 A. (White) I do not.

3 Q. And do you adopt that testimony as your  
4 testimony for this proceeding?

5 A. (White) Yes.

6 Q. And Mr. White, did you also participate in  
7 the technical sessions and discussions and  
8 negotiations that led to the settlement  
9 that's been marked as Exhibit 3?

10 A. (White) Yes, I did.

11 Q. And are you familiar with the terms of that  
12 agreement?

13 A. (White) Yes.

14 Q. Now, lastly, for Mr. Smagula. Could you  
15 please state your name, your position and  
16 responsibilities for the record.

17 A. (Smagula) Yes. My name is William Smagula.  
18 I am a consultant at the moment for  
19 Eversource Energy, having retired from  
20 Eversource in 2018. At that time when I  
21 retired, I was vice-president of fossil and  
22 hydro generating assets in New Hampshire and  
23 had that position for seven years. Prior to  
24 that I was director of fossil and hydro

1 generation for Eversource and Northeast  
2 Utilities in New Hampshire, Connecticut and  
3 Massachusetts. So I retired with 40 years of  
4 service in the generating end of our company.

5 Q. And Mr. Smagula, have you previously  
6 testified before this Commission?

7 A. (Smagula) Yes, I have, numerous times.

8 Q. Now, Mr. Smagula, did you also, back on  
9 June 3rd, 2019, file testimony and  
10 attachments that were included in what has  
11 been marked as Exhibit 1?

12 A. (Smagula) Yes.

13 Q. And was that testimony prepared by you or at  
14 your direction?

15 A. (Smagula) Yes, it was.

16 Q. Do you have any corrections to that  
17 information?

18 A. (Smagula) Yes. I have corrections which I  
19 believe have been filed as an exhibit in this  
20 docket. The corrections were -- there were  
21 two corrections, both of them minor, and they  
22 had to deal with a numerical -- a number that  
23 was incorrectly typed on the final, the  
24 middle of testimony. And in researching that

1           issue, we identified the fact that there was  
2           a -- one of the two outages that were  
3           expanded in the discussion of my testimony  
4           need not have been identified as an outage.  
5           So one item, one of the line items, should be  
6           deleted and a second one corrected.

7       Q.   And those corrections you just spoke to, were  
8           those the ones that were included in the  
9           updated testimony submitted on October 19th,  
10          2020 and marked as Exhibit 2?

11      A.   (Smagula) Yes.

12      Q.   Beyond those changes, do you have any updates  
13          or corrections to your testimony?

14      A.   (Smagula) No, I do not.

15      Q.   So, subject to the changes you've identified,  
16          do you adopt your testimony in Exhibit 1, as  
17          modified by Exhibit 2, as your sworn  
18          testimony for this proceeding?

19      A.   (Smagula) Yes.

20      Q.   And did you likewise participate in the  
21          technical sessions and discussions and  
22          negotiations that led to the settlement  
23          marked as Exhibit 3?

24      A.   (Smagula) Yes, I did.

1 Q. And are you familiar with the terms of that  
2 agreement?

3 A. (Smagula) Yes.

4 Q. Thank you. I have really sort of one  
5 question for the panel. I think I'll direct  
6 it toward Ms. Menard first. But if others  
7 wish to chime in...

8 Turning to the settlement, Exhibit 3,  
9 it's quite brief, but could you please  
10 explain how you understand the settlement  
11 would be implemented if approved by the  
12 Commission.

13 A. (Menard) Yes. As stated, the Company went  
14 through discovery and technical sessions with  
15 Staff, and this settlement agreement is the  
16 outcome of those discussions and discovery  
17 processes. And essentially, the settlement  
18 agreement concludes that the information that  
19 the Company presented in this filing, in  
20 Exhibit 1, was a fair and accurate accounting  
21 of costs. And including the corrections that  
22 were made, they demonstrate that the actions  
23 of Eversource during the period it still  
24 owned generation were prudent and reasonable.

1 And this filing also shows how Eversource  
2 served its energy service load until  
3 March 31st, 2018, when the Company made the  
4 transition to a competitively procured supply  
5 methodology, was appropriate and prudent.

6 And so this settlement agreement asks  
7 that the Company's submission be approved as  
8 filed. And there isn't any particular rate  
9 involved in approving this settlement  
10 agreement. It merely confirms that the  
11 actions taken back in 2018 were prudent and  
12 the costs were accurate.

13 Q. Thank you. And for each member of the panel,  
14 and we'll go to Ms. Menard, then Mr. White  
15 and Mr. Smagula, is it your position, and  
16 therefore the Company's position, that this  
17 settlement is fair and reasonable and will  
18 lead to just and reasonable rates?

19 A. (Menard) Yes.

20 A. (White) Yes.

21 A. (Smagula) Yes, I agree.

22 Q. Thank you.

23 MR. FOSSUM: That is what I have  
24 for direct this afternoon.

1 CHAIRWOMAN MARTIN: All right.

2 Thank you.

3 Mr. Kreis, do you have cross?

4 MR. KREIS: I do not have any  
5 friendly cross for these fine witnesses.

6 CHAIRWOMAN MARTIN: Okay. And Mr.  
7 Dexter.

8 MR. DEXTER: No, Staff doesn't have  
9 any questions for these witnesses and  
10 believes that Ms. Menard's summary is  
11 accurate and complete.

12 CHAIRWOMAN MARTIN: All right.  
13 Thank you. Commissioner Bailey, do you have  
14 questions?

15 COMMISSIONER BAILEY: Yes, just a  
16 few. Thank you.

17 INTERROGATORIES BY COMMISSIONERS:

18 BY COMMISSIONER BAILEY:

19 Q. Good afternoon. Ms. Menard, you just said  
20 that this merely confirms that the costs were  
21 accurate and your actions were prudent for  
22 2018. How much money in this filing will be  
23 recovered in rates in the future filing?

24 A. (Menard) These costs were for 2018.

1           Actually, I think it went through January of  
2           2019. And so those flow into stranded costs  
3           and energy service rates that have been set  
4           along the way. So these costs will have  
5           already been incorporated into previous  
6           stranded cost and energy service rate  
7           filings.

8       Q.    Okay. I was going to ask you about the CSL  
9           contract, and I thought that we already  
10          approved that and that that was already in  
11          rates.

12     A.    (Menard) Yes.

13     Q.    That's correct?

14     A.    (Menard) Yes.

15     Q.    Okay. So this is -- this filing is not going  
16          to increase rates in any way because the  
17          costs associated with this filing have  
18          already been included in rates?

19     A.    (Menard) Correct.

20     Q.    Okay. Thank you. That's all I have.

21                   CHAIRWOMAN MARTIN: I had a  
22          question actually for Staff. And I know -- I  
23          don't have any questions for these witnesses.  
24          I know we don't have a Staff witness on the



1 panel, but Mr. Dexter, I'll pose the scenario  
2 and see how you might want to address it.

3 You raised a number of -- three  
4 issues specifically at the prehearing  
5 conference that Staff was going to look at,  
6 and I was interested in hearing how those  
7 issues were resolved for Staff. If Mr.  
8 Eckberg is available and could be sworn in  
9 and can answer to those, that's fine.  
10 Perhaps we could do it by offer of proof.  
11 But I would just like to hear how Staff was  
12 satisfied that those were resolved.

13 MR. DEXTER: Yes, Chairwoman  
14 Martin. I will take a stab at that and then  
15 ask Mr. Eckberg to chime in after I'm done.

16 As you indicated, we raised three  
17 issues at the prehearing conference, and we  
18 did take the opportunity to look into all  
19 three of those issues. The first one had to  
20 do with the \$28 million of stranded costs  
21 that Eversource had identified as  
22 non-Scrubber costs. And through the process  
23 of review, we were satisfied that those  
24 numbers were appropriately included in this

1 case. I will have to defer to Mr. Eckberg  
2 for more detail on that, but that was our  
3 conclusion, looking through the related  
4 dockets and based on what had happened in the  
5 other dockets, that this was the appropriate  
6 place for those costs and that the amount was  
7 correct as it was presented.

8 The second issue that we had raised  
9 had to do with the Schiller 5 plant and the  
10 cost of compliance, environmental compliance.  
11 The Company had presented a figure that  
12 didn't appear to match. The emissions  
13 figures didn't appear to match what had been  
14 presented, what Staff had learned from  
15 records from the DES. And then through back  
16 and forth in discovery and in tech sessions,  
17 we learned that the emissions figures that  
18 had been presented in Staff Response 1-8 for  
19 the Merrimack 1 plant in fact covered the  
20 Merrimack 1 and Merrimack 2 plant. So once  
21 we looked at those numbers in total, we  
22 were -- those numbers matched the numbers  
23 that Mr. Eckberg had from the DES. So we  
24 were satisfied that the compliance costs were

1 correct. They weren't necessarily accurately  
2 presented on Staff 1-008, and we thought  
3 about asking for a correction of that. But  
4 since that ended up not being an exhibit in  
5 this case, we didn't take that step. But  
6 that was the second issue that we had asked  
7 about.

8 Thirdly, there were RGGI compliance  
9 costs associated with the Merrimack 1  
10 station, and we had questions as to whether  
11 or not they were allocated -- pro rated I  
12 guess is the better word, for the fact that  
13 that plant was sold I think eight or nine  
14 days into the year. And again we went back  
15 to the original documents to see how those  
16 were treated in the sale. Those sale  
17 documents were presented by the Company, and  
18 we were satisfied that the figures that were  
19 presented in this case were consistent with  
20 the underlying documents of the sale of the  
21 asset.

22 So we did take the opportunity to look  
23 at those three issues. That's what I recall  
24 in terms of resolution. And I would invite

1 Mr. Eckberg to supplement my answer if he  
2 chooses.

3 CHAIRWOMAN MARTIN: Mr. Eckberg.

4 MR. ECKBERG: Good afternoon. I  
5 have not been sworn in as a witness. I'm not  
6 sure if you would like me to do that before I  
7 make any comments. But my --

8 CHAIRWOMAN MARTIN: I think that  
9 would be the safest approach. If you have  
10 things to add, why don't we have you sworn.

11 MR. ECKBERG: Actually, I think  
12 that I have nothing substantial to add to the  
13 comments provided by Mr. Dexter. He has  
14 summarized the issues very well. And Staff  
15 is satisfied that our research and the  
16 information provided by the Company, that we  
17 are comfortable with what the Company has  
18 presented in its filing.

19 CHAIRWOMAN MARTIN: Okay. Thank  
20 you. I appreciate that. I just wanted to  
21 make sure we understood how those were  
22 addressed. Other than that, I have no other  
23 questions.

24 Mr. Fossum, any follow-up?

1                   MR. FOSSUM: Much as it would amuse  
2 me to send some questions to Mr. Dexter or  
3 Mr. Eckberg at this moment, no, I don't have  
4 anything else.

5                   CHAIRWOMAN MARTIN: Okay. Well,  
6 then, we will take closing statements,  
7 starting with Mr. Kreis.

8                   MR. KREIS: Thank you, Madam  
9 Chairwoman. We have substantially relied on  
10 Staff's investigation of this last bit of  
11 cost related to the PSNH generation  
12 portfolio. So I guess what really is left  
13 for me to say is to pronounce a grateful  
14 benediction over the era of Public Service  
15 Company of New Hampshire owning generation  
16 assets. Those first 10 or 11 days of 2018  
17 were especially memorable, because if you  
18 remember, they were wicked cold and Merrimack  
19 Station was running almost constantly. And  
20 so there was a little bit of a lagniappe in  
21 it for the Company's customers, for which  
22 we're grateful.

23                   I want to say a fond farewell to  
24 Mr. Smagula in particular because he has

1 always been a credible witness and very  
2 cooperative in responding to any questions or  
3 concerns that have come up over the years.

4 And the settlement agreement  
5 pending before you is basically an  
6 endorsement of the documentation that the  
7 Company has put forward. It is appropriate  
8 for you to approve that settlement agreement  
9 as just and reasonable and in the public  
10 interest, and therefore I recommend that you  
11 do exactly that. Thank you.

12 CHAIRWOMAN MARTIN: Okay. Thank  
13 you.

14 Mr. Dexter.

15 MR. DEXTER: Thank you. Staff  
16 likewise recommends that you approve the  
17 settlement, which is essentially approving  
18 the Company's filing in this case. The  
19 settlement really doesn't reflect any give  
20 and take as a settlement might often. It was  
21 a means to conclude this case with  
22 endorsements after investigation of what the  
23 Company filed. And therefore, Staff  
24 recommends you approve the settlement as

1 filed.

2 CHAIRWOMAN MARTIN: Okay. Thank  
3 you.

4 And Mr. Fossum.

5 MR. FOSSUM: I will continue the  
6 train to say that we also, likewise,  
7 recommend -- request approval of the  
8 settlement agreement as being just and  
9 reasonable and in the public interest. This  
10 one has taken a bit longer than we might have  
11 anticipated, but it appears we have gotten to  
12 an appropriate resolution. And as we wind  
13 down one more sort of chapter of the history  
14 of PSNH, I think that this is a helpful way  
15 to do so, through a settlement agreement that  
16 approves the last actions while we still  
17 owned the fossil and hydro plants.

18 So to that end, to reiterate, I  
19 guess, I would endorse the statements coming  
20 from Mr. Kreis and Mr. Dexter for approval  
21 and would reiterate our request that the  
22 settlement agreement and therefore the  
23 Company's filing be approved. Thank you.

24 CHAIRWOMAN MARTIN: Okay. Thank

1           you.

2                       With that, we will strike the I.D.  
3           on Exhibits 1 through 3 and admit those as  
4           full exhibits and close the record. And  
5           thank you, everyone, for your work on this,  
6           reaching another settlement agreement. We'll  
7           take the matter under advisement, and the  
8           hearing is adjourned. Thanks. Have a good  
9           weekend.

10          (Whereupon the hearing adjourned at 2:03 p.m.)  
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## C E R T I F I C A T E

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

	<b>4:14,19</b>		<b>chapter (1)</b>	<b>Connecticut (1)</b>
<b>\$</b>	<b>along (1)</b>	<b>B</b>	23:13	11:2
<b>\$28 (1)</b>	16:4		<b>charge (1)</b>	<b>consistent (1)</b>
17:20	<b>always (1)</b>	<b>back (6)</b>	7:17	19:19
<b>A</b>	22:1	14:11;18:15;19:14	<b>chime (2)</b>	<b>constantly (1)</b>
	<b>amount (1)</b>	<b>Bailey (8)</b>	13:7;17:15	21:19
	18:6	4:15,16,17;5:7,23;	<b>chooses (1)</b>	<b>consultant (1)</b>
<b>ability (1)</b>	<b>amuse (1)</b>	15:13,15,18	20:2	10:18
3:24	21:1	<b>based (1)</b>	<b>clear (2)</b>	<b>Consumer (1)</b>
<b>access (2)</b>	<b>analytical (2)</b>	18:4	5:13,19	5:9
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4:6	3:5	<b>behalf (2)</b>	<b>closing (1)</b>	<b>continue (1)</b>
<b>accordance (2)</b>	<b>anticipated (1)</b>	5:9;6:1	21:6	23:5
3:13,20	23:11	<b>believes (1)</b>	<b>cold (1)</b>	<b>contract (1)</b>
<b>accounting (1)</b>	<b>appear (2)</b>	15:10	21:18	16:9
13:20	18:12,13	<b>benediction (1)</b>	<b>colleagues (1)</b>	<b>cooperative (1)</b>
<b>accurate (4)</b>	<b>appearances (1)</b>	21:14	5:8	22:2
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